

Message Text

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ACTION EB-07

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FM AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: EINV, EFIS, AS

SUBJ: FOREIGN INVESTMENT IN AUSTRALIAN FISHING

REF: STATE 265945

1. PER REFTEL, EMBASSY OFFICER DISCUSSED DEC. 7
FOREIGN PARTICIPATION IN AUSTRALIAN FISHING WITH
RYAN, ASST. SECRETARY, FISHERIES DIVISION, DEPT. OF
AGRICULTURE (DOA). RYAN PROVIDED ORAL BRIEFING AND COPY OF
THREE-PAGE INFORMATION SHEET ("JOINT FISHING
VENTURES"), WHICH DOA HANDS OUT TO INQUIRERS AND
WHICH EMBASSY WILL AIR POUCH.

2. KEY POINTS OF PRESENT AUST. POLICY ARE:
(A) FOREIGN PARTICIPATION IS ALLOWED ONLY IN FORM
OF A JOINT FISHING VENTURE (JFV) WITH AUSTRALIAN
INTERESTS. JFV IS DEFINED TO INVOLVE ONE OR MORE OF
FOLLOWING: FOREIGN CAPITAL AND (INITIALLY) FOREIGN
VESSELS, CREWS AND EXPERTISE.

(B) JFV MUST BE APPROVED BY BOTH GOA MINISTER FOR
AGRICULTURE AND APPROPRIATE STATE MINISTER(S).

(C) JFV WILL BE APPROVED ONLY IF CONFINED TO THOSE
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FISHERIES (I.E. PARTICULAR SPECIES OR AREAS) NOT YET

ADEQUATELY DEVELOPED BY AUST. FISHERMEN.

(D) JFV IS APPROVED ONLY IF SATISFACTORY EVIDENCE IS SUBMITTED THAT USE OF FOREIGN VESSELS AND CREWS WILL IMPROVE SPEED AND/OR EFFICIENCY OF DEVELOPMENT IN FISHERIES CONCERNED.

(E) USE OF FOREIGN VESSELS ARE CONSIDERED ON BASIS OF A TEMPORARY ARRANGEMENT ONLY, AND PROPOSALS MUST INCLUDE SPECIFIC PROGRAM FOR REPLACING (USUALLY WITHIN FIVE YEARS) FOREIGN WITH AUST. VESSELS AND CREW.

(F) IMPORTATION OF VESSELS AND ENTRY OF FOREIGN CREW MUST BE APPROVED BY MINISTERS FOR TRANSPORT AND IMMIGRATION RESPECTIVELY.

(G) ANY VESSEL BELONGING TO A FOREIGN ENTERPRISE IN WHICH ANY JFV COMPANY PROPRIETOR HAS A COMMERCIAL INTEREST SHALL NOT CARRY OUT FISHING IN WATERS ADJACENT TO AUST. COASTLINE UNLESS IT WAS INCLUDED AS PART OF ORIGINAL JFV AS APPROVED.

3. UNDER AUSTRALIA'S FEDERAL SYSTEM, POLICY ON OVERSEAS PARTICIPATION IN FISHING IS FORMULATED BY AUST. FISHERIES COUNCIL, MADE UP OF GOA AND SIX STATE FISHERY OFFICIALS. POLICY, WHICH RYAN SAYS WOULD BE EXTREMELY DIFFICULT TO CHANGE, NOW APPLIES TO ALL WATERS UP TO 12-MILE LIMIT. SHOULD GOA EVENTUALLY CLAIM BROADER FISHERIES JURISDICTION, SAME POLICIES WOULD UNDOUBTELDY APPLY.

4. IN ADDITION, GOA MAINTAINS GENERAL POLICY THAT ALL FOREIGN INVESTMENT PROPOSALS MUST BE SCREENED BY ITS FOREIGN TAKE-OVER OR FOREIGN INVESTMENT COMMITTEE TO DETERMINE WHETHER PROPOSAL WILL SERVE "NATIONAL INTEREST". GOA COMMITTED TO GOAL OF MAXIMUM AUST. OWNERSHIP AND CONTROL OF LOCAL INDUSTRIES AND RESOURCES. GOA RELIES HEAVILY ON ITS FOREIGN EXCHANGE CONTROL AUTHORITY TO IMPLEMENT FISHERIES AND ALL FOREIGN INVESTMENT POLICIES.

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5. EMBASSY COMMENT: AS RYAN CONFIRMED OFF THE RECORD, POLICY IS AIMED AT RESTRICTING FOREIGN INVESTMENT EXCEPT IN SPECIFIC CASES WHERE NEW DEVELOPMENT OF SPECIES OR AREAS WOULD BE ACHIEVED OR WHERE NEW TECHNIQUES CAN BE INTRODUCED. ONLY TWO JFV'S NOW OPERATING IN AUSTRALIA (BOTH FISHING FOR SHRIMP IN NORTHERN WATERS), ATTESTING TO STRINGENCY OF CONDITIONS IMPOSED ON ALL

FOREIGN PARTICIPATION IN AUST. FISHERIES.
SIMPSON

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